HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 10426 OF 2006

DATED: 11.9.2006

Between:

Sri Chamundeswary Oil Agency

… Petitioner

and

Hindustan Petroleum Corporation and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 10426 OF 2006

ORAL ORDER:

Subsequent to the filing of this writ petition, which is directed against the continued suspension pending enquiry of the petitioner's dealership agreement with the 1st respondent-Corporation, by the proceedings dated 6.9.2006, the 1st respondent has passed orders terminating the dealership agreement for the reasons recorded therein. The substantive basis for the termination of dealership is that the totaliser seal in the outlet of the petitioner was seen in a broken condition during the 2nd respondent's inspection on 6.3.2006. The petitioner seriously disputes the factual position and contends that even today the totaliser seal is intact.

The petitioner has a remedy of preferring an appeal to the 1st respondent-Corporation against the order of the Chief Regional Manager dated 6.9.2006, whereby his dealership agreement has been terminated. The petitioner wants to persuade the Director, Marketing, in his appeal to be preferred to cause inspection of his premises to verify his claim that the totaliser seal is intact, even today.

In the aforesaid circumstances, the writ petition is disposed of

as infructuous, in view of the fact that the principal grievance in the writ petition no longer survives for adjudication owing to the termination orders passed by the 1st respondent on 6.9.2006. The respondents are however directed to maintain status-quo with regard to the possession of the dealership outlet with the petitioner, for a period of 2 weeks to enable the petitioner to pursue appellate remedies as are available and to seek the discretion of the appellate authority for inspection of the premises in view of the allegations in this writ petition. No costs.

GODA RAGHURAM, J

Date: 11.9.2006
Note: CC as soon as possible
Bo cvm